

BY SCHMIDT.]

[SENATE FILE No. 112—JUDICIARY.]

A BILL

FOR AN ACT TO BAR THE CLAIMS OF ABSENT HEIRS, DEVISEES AND LEGATEES.

Be it enacted by the General Assembly of the State of Iowa :

SECTION 1. Whenever an heir, devisee or legatee, either by the law of intestates or by virtue of a last will is entitled to some portion of an estate of a decedent, or to the whole of said estate, and has omitted to claim such estate, because he is absent and his residence is unknown, the person who would succeed said heir, devisee or legatee after their removal, may petition the Circuit Court to bar all claims of said absent heir, devisee or legatee and vest the same in the petitioner.

SEC. 2. Said petition is permitted five years after the estate above mentioned has been fully settled. It must contain an affidavit of one or more persons, who have known the absent person, and know now that he is absent and his residence unknown. If it is proven to the satisfaction of the court that the person above mentioned has a claim to the estate under the jurisdiction of said court, that he is absent and his residence is unknown, and that the petitioner would succeed him after his removal, the court shall order a notice to be made to said absent person describing the estate and his claim thereto, and recommending the absent heir, devisee or legatee to present his claim to said court, within one year after the publication of said notice has been accomplished.

SEC. 3. Said notice must be published for four consecutive weeks in one daily newspaper within the jurisdiction of said Circuit Court. If there be no daily newspaper published in the district of said court, the publication shall be made in a weekly newspaper.

SEC. 4. If after the lapse of one year after the publication in said newspaper the absent heir or legatee has not presented any claim to said estate, the court, on further application of the above named successors, shall forever bar the claim of said absent heirs, devisees or legatees, and vest it in the petitioner.